

2005 DRAFTING REQUEST

Bill

Received: 11/12/2004

Received By: **gmalaise**

Wanted: **As time permits**

Identical to LRB:

For: **Julie Lassa (608) 266-3123**

By/Representing: **Jessica Kelly**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - abuse and neglect**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lassa@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Shaken baby syndrome education and training

Instructions:

See Attached

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Malaise, Gordon

From: Kelly, Jessica
Sent: Thursday, November 11, 2004 9:47 AM
To: Malaise, Gordon
Subject: Drafting instructions

SHAKEN BABY SYNDROME EDUCATION ACT

Hospital (1)
 Require that all new parents receive both written and video materials ~~before being released from the hospital~~ - to be established by the Department of Health and Family Services - before being released from the hospital. The instruction shall include:

- ✦ a conversation between a trained nurse-educator and the parents of newborns while in the birthing hospital about the dangers of shaking;
- ✦ receiving materials about crying and SBS prevention explaining its effects on infants and children and emphasizing preventative measures. These materials shall be provided to the parent or parents separate and apart from any other educational and instructional materials that are provided to the parent or parents prior to discharge from the hospital or birth center
- ✦ the instructional materials shall be provided without cost by each hospital or birth center licensed in this V
- ✦ voluntarily signing a Parent Certificate affirming receipt and understanding of this material to be signed by the parent or parents prior to discharge from the hospital or birth center. The form of the commitment statement shall be in duplicate. One copy shall be given to the parent and one copy shall remain on file in the hospital or birth center.

Child care provider training (2)
 According to the DHFS website there are two courses, one entitled "Fundamentals of Family Child Care", and the other entitled "Introduction to the Child Care Profession", that are now needed to meet the requirements for a licensed family child care provider. Require that one, or both, of these courses contain a portion of SBS awareness training by a Shaken Baby Association advocate. Allow the Department to decide which class will contain the material.

Naustat (3)
 Have Shaken Baby Association staff train licensed family and group day care providers on SBS one year after the effective date of the bill, upon license renewal to include:

- ✦ a conversation between SBA staff and facility educators/staff
- ✦ receiving materials about crying and SBS prevention explaining its effects on infants and children and emphasizing preventative measures.
- ✦ the instructional materials shall be provided without cost by each facility licensed in Wisconsin
- ✦ having each educator within a facility sign a Certificate affirming receipt and understanding of this materi

Schools (4)
(Childsitters)
 State Statute 121.02(1)(2) Require that in grades 5 to 8, provide regular instruction in language arts, social studies, mathematics, science, health, physical education, art and music. The school board shall also provide pupils with an introduction to career exploration and planning and education and prevention of Shaken Baby Syndrome provided by SBA staff.

Registry (6)
 Establish a statewide registry to identify cases in which children have been injured by Shaken Baby Syndrome.

Parents



November 12, 2004

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Select Year: 2004

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The 2004 Florida Statutes

Title XXX

Chapter 411

SOCIAL

HANDICAP OR HIGH-RISK CONDITION PREVENTION AND
EARLY CHILDHOOD ASSISTANCE

WELFARE

Jump To Bill

Session: 2005

Bill #: Go

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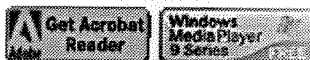
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411.233 Dangers of shaking infants and young children; requirements for distrib brochures.--

(1) Every hospital, birthing facility, and provider of home birth ^{home from} ~~services~~ shall provide to the parents of a newborn, before they take their newborn to hospital or birthing facility, written information with an explanation concerning the dangers of shaking ^{dangers of shaking} infants and young children. ^{grave effects}

(2) The Department of Health shall prepare a brochure that describes the dangers of shaking infants and young children. The description must include information concerning the causes that can lead a person to shake infants and young children, and a discussion ^{manage it ways} to reduce the risks that can lead a person to shake infants and young children.

(3) This section does not preclude a hospital, birthing facility, or a home birth providing the notice required under this section as an addendum to, or in connection with, other required information.

(4) A cause of action does not accrue against the state or any subdivision or agency hospital birthing facility or home-birth provider for failure to give or receive the information required under this section.

History.--s. 2, ch. 2002-174.

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National Center on Shaken Baby Syndrome

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Child Care Providers

Symptoms of SBS

Medical Facts

- Diagnosing Head Trauma
- Answers to SBS Questions

Prevention

Coping with Crying

- Period of Purple Crying
- Parent's Story About Crying
- Research on Crying

Legislation

Expectations

- Expectations of Child Care Providers
- Expectations of Parents

Purchase Educational Materials

Legislation

State Statutes Regulating the Training of Day Care Providers

Three states have taken a proactive stance in recent years regarding the prevention of shaken baby syndrome. New York, Texas and Utah have all issued regulations for child care providers, stating they must receive training on the dangers of shaking infants and children in order to maintain their license.

New York

New York passed Bill A08314, which requires all child care providers in New York to receive training on shaken baby syndrome. Chapter 416, section 390-a, of the social services law was amended to mandate that all child day care providers be educated and trained on the identification, diagnosis and prevention of shaken baby syndrome. This education is to be added to the training providers already receive on early childhood development, nutrition and statutes and regulations toward safety issues.

Texas

The requirements for day care centers in Texas are found in chapter 42, sections 42.041 (b) and 42.0421 (c) of Texas Human Resource Code. This code states that employees of licensed day care centers, group day care homes and registered family homes providing care for children under 24 months must receive one hour of annual in-service training recognizing and preventing shaken baby syndrome, preventing sudden infant death syndrome and understanding early childhood brain development.

Utah

Utah's administrative code number R430-100-6, section 5 requires all centers providing infant care to receive in-service training on preventing shaken baby syndrome, preventing sudden infant death syndrome, coping with crying babies and the development of the infant. The statute does not specify how many hours should be dedicated to this particular training although it does require that all caregivers receive at least 20 hours of documented service training per year and that this training be conducted in person.

Enactment of such legislation is an important step in the goal of prevention through education. It is imperative to train and educate day care providers on the dangers of shaking children as well as what instigates the shaking. The reasoning for this education is two fold. First, providers are continuously faced with and deal with fussy babies and inconsolable crying. These situations tend to lead to the shaking of children. Second, providers form relationships with the child and his/her parents, thereby giving the opportunity to watch for the signs of abuse and to educate the parents they associate with about shaken baby syndrome.



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-07887
GMM. (.....) 1

NOTE

12/20/17

soon

Gen

- 1 **AN ACT ...; relating to:** the provision of information regarding shaken baby
2 syndrome to the parents of newborn infants, training regarding shaken baby
3 syndrome for day care providers, and instruction regarding shaken baby
4 syndrome for middle school pupils; the creation of a shaken baby syndrome
5 registry; and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS) is required to prepare printed informational materials relating to sudden infant death syndrome and to distribute those materials so as to maximize their availability to parents. DHFS is also required to promulgate rules requiring day care center licensees who are licensed to provide care and supervision for children under one year of age and the employees and volunteers of those licensees to receive training in sudden infant death syndrome before the license is issued or the employment or volunteer work commences. The Department of Workforce Development (DWD) is required to promulgate similar rules for day care providers who are certified to receive reimbursement under the Wisconsin Works (W-2) Program and the employees and volunteers of those providers.

* This bill creates similar requirements relating to shaken baby syndrome, which is defined in the bill as a severe form of brain injury that occurs when an infant or young child is shaken forcibly enough to cause the brain to rebound against his or her skull. Specifically, the bill requires DHFS to prepare or to contract with a nonprofit organization that is dedicated to the prevention of shaken baby syndrome and the support of families affected by shaken baby syndrome (nonprofit

for

* organization) to prepare printed and audiovisual materials relating to shaken baby syndrome that include; information regarding the identification and prevention of shaken baby syndrome; the grave effects of shaking on an infant or young child; appropriate ways to manage crying, fussing, or other causes that can lead a person to shake an infant or young child; and a discussion of ways to reduce the risks that can lead a person to shake an infant or young child.

The bill requires a copy of those written materials, a presentation of those audiovisual materials, and an oral explanation of those written and audiovisual materials to be provided to the parents of a newborn infant, without cost to those parents, as follows:

1. In the case of an infant born at or on route to a hospital or maternity home, by the attending physician, attending nurse-midwife, or a trained, designated staff member of the hospital or maternity home before the infant is discharged from the hospital or maternity home.

2. In the case of an infant born elsewhere than at or on route to a hospital or maternity home, by the attending physician, attending nurse-midwife, or a trained, designated birth attendant within seven days after the birth of the infant.

*Insert
Route
Alternative*

~~The bill also requires DHFS or a nonprofit organization to provide training relating to shaken baby syndrome to an individual before the individual may obtain a license to operate a day care center or enter into a contract with a school board to provide a day care program; a county department of human services or social services (county department) or a nonprofit organization to provide that training to an individual before the individual may be certified as a day care provider under the W-2 program; and DHFS, a county department, or a nonprofit organization to provide that training to an employee or volunteer of a day care center, day care provider, or day care program before the individual may provide care and supervision for children. For an individual who on the day before the initial applicability date of the bill already holds or has applied for a license to operate a day care center, is already certified as a day care provider, or has applied for that certification, or is already providing a day care program under a contract with a school board, and for an individual who on that day is already an employee or volunteer of such a licensee, provider, or program, the training must be provided by no later than the continuation date of the license or the renewal date of the certification or contract, whichever is applicable, or by one year after the effective date of the bill, whichever is sooner.~~

In addition, the bill requires each school board to provide or contract with a nonprofit organization to provide instruction relating to shaken baby syndrome for pupils in grades five to eight. The bill requires the person providing the instruction to provide to each pupil receiving the instruction a copy of the written materials prepared by DHFS or the nonprofit organization, a presentation of the audiovisual materials prepared by DHFS or the nonprofit organization, and an oral explanation of those written and audiovisual materials.

Finally, the bill requires DHFS to establish and maintain a statewide registry that documents the diagnosis in this state of any child who has shaken baby syndrome and requires any physician who diagnoses shaken baby syndrome in a child or who provides treatment to a child who has shaken baby syndrome to report

information concerning the child to DHFS as prescribed by DHFS by rule, unless the physician knows that another physician has already reported that information with respect to the same child. Under the bill, the registry must include information that will facilitate identification of risk factors for shaken baby syndrome; investigation of the incidence, prevalence, and trends of shaken baby syndrome; and development of primary preventive strategies to decrease the occurrence of shaken baby syndrome.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.67 of the statutes is amended to read:

2 **48.67 Rules governing child welfare agencies, day care centers, foster**
3 **homes, treatment foster homes, group homes, shelter care facilities and**
4 **county departments.** The department shall promulgate rules establishing
5 minimum requirements for the issuance of licenses to, and establishing standards
6 for the operation of, child welfare agencies, day care centers, foster homes, treatment
7 foster homes, group homes, shelter care facilities, and county departments. These
8 rules shall be designed to protect and promote the health, safety, and welfare of the
9 children in the care of all licensees. The department shall consult with the
10 department of commerce and the department of public instruction before
11 promulgating these rules. In establishing the minimum requirements for the
12 issuance of licenses to day care centers ~~that provide care and supervision for children~~
13 ~~under one year of age~~, the department shall include a requirement that all licensees
14 who are individuals and all employees and volunteers of a licensee who provide care
15 and supervision for children receive, before the date on which the license is issued
16 or the employment or volunteer work commences, whichever is applicable, the
17 training relating to shaken baby syndrome required under s. 253.15 (4) and, if the

1 licensee, employee, or volunteer provides care and supervision for children under one
2 year of age, training in the most current medically accepted methods of preventing
3 sudden infant death syndrome.

History: 1975 c. 307; 1977 c. 29, 205, 271, 418, 447; 1979 c. 300; 1985 a. 176; 1993 a. 375, 446; 1995 a. 27 ss. 2599, 9116 (4), 9145 (1); 1997 a. 27; 2001 a. 16.

4 **SECTION 2. 49.155 (1d) (a) of the statutes is amended to read:**

5 49.155 (1d) (a) The department shall promulgate rules establishing standards
6 for the certification of child care providers under s. 48.651. In establishing the
7 requirements for certification under this paragraph of a child care provider ~~who~~
8 ~~provides care and supervision for children under one year of age~~, the department
9 shall include a requirement that all providers and all employees and volunteers of
10 a provider who provide care and supervision for children receive, before the date on
11 which the provider is certified or the employment or volunteer work commences,
12 whichever is applicable, the training relating to shaken baby syndrome required
13 under s. 253.15 (4) and, if the provider, employee, or volunteer provides care and
14 supervision for children under one year of age, training in the most current medically
15 accepted methods of preventing sudden infant death syndrome. In establishing the
16 requirements for certification as a Level II certified family day care provider, the
17 department may not include any other requirement for training for providers.

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1775, 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33.

18 **SECTION 3. 121.02 (1) (L) 2. of the statutes is amended to read:**

19 121.02 (1) (L) 2. In grades 5 to 8, provide regular instruction in language arts,
20 social studies, mathematics, science, health, physical education, art and music. The
21 school board shall also provide pupils with an introduction to career exploration and
22 planning and with the instruction on shaken baby syndrome described in s. 253.15
23 (5).

History: 1973 c. 90, 115, 243, 333; 1975 c. 39, 198; 1977 c. 29, 178, 206, 418, 429, 447; 1979 c. 34, 221; 1985 a. 29, 228; 1987 a. 27, 399; 1989 a. 31, 285; 1991 a. 48, 269; 1993 a. 16, 339, 430, 450; 1995 a. 27 ss. 4036 to 4038, 9145 (1); 1997 a. 27, 113; 1999 a. 9; 2001 a. 16.

1 **SECTION 4.** 146.82 (1) of the statutes is amended to read:

2 146.82 (1) **CONFIDENTIALITY.** All patient health care records shall remain
3 confidential. Patient health care records may be released only to the persons
4 designated in this section or to other persons with the informed consent of the patient
5 or of a person authorized by the patient. This subsection does not prohibit reports
6 made in compliance with s. 146.995, 253.12 (2), 253.15 (7) (b), or 979.01; testimony
7 authorized under s. 905.04 (4) (h); or releases made for purposes of health care
8 operations, as defined in 45 CFR 164.501, and as authorized under 45 CFR 164,
9 subpart E.

History: 1979 c. 221; 1983 a. 398; 1985 a. 29, 241, 332, 340; 1987 a. 40, 70, 127, 215, 233, 380, 399; 1989 a. 31, 102, 334, 336; 1991 a. 39; 1993 a. 16, 27, 445, 479; 1995 a. 98, 169, 417; 1997 a. 35, 114, 231, 272, 292, 305; 1999 a. 32, 78, 83, 114, 151; 2001 a. 38, 59, 69, 105; 2003 a. 281.

10 **SECTION 5.** 253.15 of the statutes is created to read:

11 **253.15 Shaken baby syndrome. (1) DEFINITIONS.** In this section:

12 (a) "County department" means a county department of human services or
13 social services under s. 46.215, 46.22, or 46.23.

14 (b) "Nonprofit organization" means an organization described in section 501 (c)
15 (3) of the Internal Revenue Code that is dedicated to the prevention of shaken baby
16 syndrome and the support of families affected by shaken baby syndrome.

17 (c) "Shaken baby syndrome" means a severe form of brain injury that occurs
18 when an infant or young child is shaken forcibly enough to cause the brain to rebound
19 against his or her skull.

20 **(2) INFORMATIONAL MATERIALS.** The department shall prepare or contract with
21 a nonprofit organization to prepare printed and audiovisual materials relating to
22 shaken baby syndrome. The materials shall include information regarding the
23 identification and prevention of shaken baby syndrome, the grave effects of shaking
24 on an infant or young child, appropriate ways to manage crying, fussing, or other

1 causes that can lead a person to shake an infant or young child, and a discussion of
2 ways to reduce the risks that can lead a person to shake an infant or young child.
3 The department shall distribute those written and audiovisual materials to all
4 hospitals, maternity homes, and nurse-midwives licensed under s. 441.15 that are
5 required to provide the materials to parents under sub. (3) (a), to all county
6 departments and nonprofit organizations that are required to provide the materials
7 to day care providers under sub. (4) (a), and to all school boards and nonprofit
8 organizations that are required to provide the materials to pupils in grades 5 to 8
9 under sub. (5).

10 (3) INFORMATION TO PARENTS. (a) Before an infant who is born at or on route to
11 a hospital or maternity home is discharged from the hospital or maternity home, the
12 attending physician, the attending nurse midwife, or another trained, designated
13 staff member of the hospital or maternity home shall provide to the parents of the
14 infant, without cost to those parents, a copy of the written materials prepared under
15 sub. (2), a presentation of the audiovisual materials prepared under sub. (2), and an
16 oral explanation of those written and audiovisual materials. Within 7 days after the
17 birth of an infant who is born elsewhere than at or on route to a hospital or maternity
18 home, the attending physician, the attending nurse-midwife, or a trained,
19 designated birth attendant who attended the birth of the child shall provide to the
20 parents of the infant, without cost to those parents, a copy of the written materials
21 prepared under sub. (2), a presentation of the audiovisual materials prepared under
22 sub. (2), and an oral explanation of those written and audiovisual materials.

23 (b) The person who provides the materials and explanation under par. (a) shall
24 require a parent who receives the materials and explanation to sign a statement, on
25 a form prepared by the department, acknowledging that the parent has received and

1 understands the materials and explanation. The statement shall be signed in
2 duplicate, with the original copy to be retained by the parents and the duplicate copy
3 to be retained by the hospital, maternity home, or nurse-midwife. The materials and
4 explanation provided to a parent under this subsection shall be provided separately
5 from any other educational materials that are provided to the parent before
6 discharge of an infant from the hospital or maternity home or following the birth of
7 an infant born elsewhere than at or on route to a hospital or maternity home.

8 (4) TRAINING FOR DAY CARE PROVIDERS. (a) Before an individual may obtain a
9 license to operate a day care center under s. 48.65 or enter into a contract to provide
10 a day care program under s. 120.13 (14), the individual shall receive training relating
11 to shaken baby syndrome provided by the department or a nonprofit organization
12 contracted by the department to provide that training. Before an individual may be
13 certified as a day care provider under s. 48.651, the individual shall receive training
14 relating to shaken baby syndrome provided by the certifying county department or
15 a nonprofit organization contracted by that county department to provide that
16 training. Before an employee or volunteer of a day care center licensed under s.
17 48.65, a day care provider certified under s. 48.651, or a day care program established
18 under s. 120.13 (14) may provide care and supervision for children, the employee or
19 volunteer shall receive training relating to shaken baby syndrome provided by the
20 department, the certifying county department, or a nonprofit organization
21 contracted by the department or county department to provide that training.

22 (b) The person conducting the training under par. (a) shall provide to the
23 individual receiving the training, without cost to the individual, a copy of the written
24 materials prepared under sub. (2), a presentation of the audiovisual materials
25 prepared under sub. (2), and an oral explanation of those written and audiovisual

1 materials and shall require the individual to sign a statement, on a form prepared
2 by the department, acknowledging that the individual has received and understands
3 the materials and explanation. The statement shall be signed in duplicate, with the
4 original copy to be retained by the signer of the statement and the duplicate copy to
5 be filed with the department, in the case of a day care center licensee under s. 48.65
6 or an employee or volunteer of the licensee, the certifying county department, in the
7 case of a day care provider certified under s. 48.651 or an employee or volunteer of
8 the provider, or the school board that established the day care program, in the case
9 of a person who provides a day care program under s. 120.13 (14) or an employee or
10 volunteer of the program.

11 (5) INSTRUCTION FOR PUPILS. Each school board shall provide or contract with
12 a nonprofit organization to provide instruction relating to shaken baby syndrome for
13 pupils in grades 5 to 8. The person providing the instruction shall provide to each
14 pupil receiving the instruction a copy of the written materials prepared under sub.
15 (2), a presentation of the audiovisual materials prepared under sub. (2), and an oral
16 explanation of those written and audiovisual materials.

17 (6) IMMUNITY FROM LIABILITY. (a) The department or a nonprofit organization
18 contracted with under sub. (2) is immune from liability for any damages resulting
19 from any good faith act or omission in preparing and distributing, or in failing to
20 prepare and distribute, the materials specified in sub. (2).

21 (b) A hospital, maternity home, physician, nurse-midwife, other staff member
22 of a hospital or maternity home, or other birth attendant attending the birth of an
23 infant is immune from liability for any damages resulting from any good faith act or
24 omission in providing or failing to provide the written and audiovisual materials and
25 oral explanation specified in sub. (3) (a).

1 (c) The department, a county department, or a nonprofit agency contracted
2 with under sub. (4) (a) is immune from liability for any damages resulting from any
3 good faith act or omission in providing or failing to provide the training specified in
4 sub. (4) (a) or the written and audiovisual materials and oral explanation specified
5 in sub. (4) (b). A school board is immune from liability for any damages resulting
6 from any good faith act or omission in connection with the provision of the training or failure to provide
7 the training specified in sub. (4) (a) or the written and audiovisual materials and oral
8 explanation specified in sub. (4) (b).

9 (d) A school board is immune from liability for any damages resulting from any
10 good faith act or omission in providing or failing to provide the instruction and the
11 written and audiovisual materials and oral explanation specified in sub. (5).

12 (7) SHAKEN BABY SYNDROME REGISTRY. (a) The department shall do all of the
13 following:

14 1. Establish and maintain a statewide registry that documents the diagnosis
15 in this state of any child who has shaken baby syndrome. The department shall
16 include in the registry information that will facilitate identification of risk factors for
17 shaken baby syndrome; investigation of the incidence, prevalence, and trends of
18 shaken baby syndrome; and development of primary preventive strategies to
19 decrease the occurrence of shaken baby syndrome.

20 2. Specify by rule the content, format, and procedures for submitting a report
21 under par. (b).

22 3. Notify the persons specified under par. (b) 1. of their obligation to report.

23 (b) 1. In addition to reporting under s. 48.981 (2), any physician who diagnoses
24 shaken baby syndrome in a child or who provides treatment to a child who has
25 shaken baby syndrome shall report information concerning the child to the

department as prescribed by the department under par. (a) 2., unless the physician knows that another physician has already reported to the department that information with respect to the same child.

2. Any information reported to the department under subd. 1. that could identify any individual who is the subject of the report or a physician submitting the report shall be confidential and may not be disclosed by the department except to the persons, for the purposes, and under the conditions specified in s. 48.981 (7).

3. The reporting of information under subd. 1. may not be construed as a violation of any person's responsibility for maintaining the confidentiality of patient health care records, as defined under s. 146.81 (4).

SECTION 6. Nonstatutory provisions.

(1) SHAKEN BABY SYNDROME; INFORMATIONAL MATERIALS; TRAINING; RULES.

(a) *Preparation and distribution of informational materials.* By the first day of the 4th month beginning after the effective date of this subsection, the department of health and family services or a nonprofit organization, as defined in section 253.15 (1) (b) of the statutes, as created by this act, contracted by that department shall prepare the informational materials specified in section 253.15 (2) of the statutes, as created by this act, and that department shall distribute those materials as required under section 253.15 (2) of the statutes, as created by this act.

(b) *Training for day care providers.*

1. Notwithstanding section 253.15 (4) (a) of the statutes, as created by this act, the department of health and family services or a nonprofit organization, as defined in section 253.15 (1) (b) of the statutes, as created by this act, contracted by that department shall provide the training required under section 253.15 (4) (a) of the statutes, as created by this act, to all individuals who on the day before the first day

fix (1) of the 4th month beginning after the effective date of this subdivision [revisor
(2) inserts date], hold or have applied for a license under section 48.65 of the statutes
3 to operate a day care center or are providing a day care program under a contract
4 under section 120.13 (14) of the statutes, and to all employees and volunteers of that
5 day care center or day care program who on that day are providing care and
6 supervision for children, by no later than the continuation date of the license or the
7 renewal date of the contract, whichever is applicable, or by one year after the
8 effective date of this subdivision [revisor inserts date], whichever is sooner.

9 2. Notwithstanding section 253.15 (4) (a) of the statutes, as created by this act,
10 a county department, as defined in section 253.15 (1) (a) of the statutes, as created
11 by this act, or a nonprofit organization, as defined in section 253.15 (1) (b) of the
12 statutes, as created by this act, contracted by that county department shall provide
13 the training required under section 253.15 (4) (a) of the statutes, as created by this
14 act, to all individuals who on the day before the first day of the 4th month beginning
15 after the effective date of this subdivision [revisor inserts date], are certified by
16 that county department as day care providers under section 48.651 of the statutes
17 or have applied for that certification, and to all employees and volunteers of that day
18 care provider who on that day are providing care and supervision for children by no
19 later than the renewal date of the certification or by one year after the effective date
20 of this subdivision [revisor inserts date], whichever is sooner.

21 (c) Rules.

22 1. The department of health and family services shall submit in proposed form
23 the rules required under section 48.67 of the statutes, as affected by this act, and
24 section 253.15 (7) (a) 2. of the statutes, as created by this act, to the legislature under
25 section 227.19 of the statutes no later than the first day of the 4th month beginning

after the effective date of this subdivision. Before the date on which the rules are finally promulgated, the department of health and family services shall administer section 253.15 (4) and (7) of the statutes, as created by this act, according to policies and procedures established by that department, but not promulgated as rules, notwithstanding the absence of rules to administer that provision.

2. The department of workforce development shall submit in proposed form the rules required under section 49.155 (1d) (a) of the statutes, as affected by this act, to the legislature under section 227.19 of the statutes no later than the first day of the 4th month beginning after the effective date of this subdivision. Notwithstanding section 227.137 (2) of the statutes, the secretary of administration may not require the department of workforce development to prepare an economic impact report for the rules required under section 49.155 (1d) (a) of the statutes, as affected by this act. Before the date on which the rules are finally promulgated, the department of workforce development shall administer section 253.15 (4) of the statutes, as created by this act, according to policies and procedures established by that department, but not promulgated as rules, notwithstanding the absence of rules to administer that provision.

SECTION 7. Initial applicability.

(1) SHAKEN BABY SYNDROME; INFORMATIONAL MATERIALS; TRAINING; INSTRUCTION; REGISTRY.

(a) *Information to parents.* The treatment of section 253.15 (3) of the statutes first applies to infants born on the first day of the 4th month beginning after the effective date of this paragraph.

(b) *Training for day care providers.* The treatment of sections 253.15 (4) of the statutes first applies to an individual who applies for a license to operate a day care

1 center under section 48.65 of the statutes, who applies for certification as a day care
2 provider under section 48.651 of the statutes, who enters into a contract to provide
3 a day care program under section 120.13 (14) of the statutes, or who commences
4 employment or volunteer work at a day care center, day care provider, or day care
5 program on the first day of the 4th month beginning after the effective date of this
6 paragraph.

7 (c) *Instruction for pupils.* The treatment of section 253.15 (5) of the statutes
8 first applies to instructional programs provided in the 2006-07 school year.

9 (d) *Shaken baby syndrome registry.* The treatment of section 253.15 (7) of the
10 statutes first applies to a child who is diagnosed as having shaken baby syndrome,
11 as defined in section 253.15 (1) (c) of the statutes, as created by this act, on the first
12 day of the 4th month beginning after the effective date of this paragraph.

13 (END)

D-Note

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0788/?ins
GMM.....

PAGE 2 REWRITE ALTERNATIVE:

* also
The bill requires that:

*
1. Before an individual may obtain a license to operate a day care center or enter into a contract with a school board to provide a day care program, the individual ~~must receive training relating to shaken baby syndrome provided by DHFS or a nonprofit organization contracted by DHFS to provide that training.~~ ^{training in shaken baby syndrome be provided}

*
2. Before an individual may be certified as a day care provider under the W-2 program, ~~the individual must receive training relating to shaken baby syndrome provided by a county department of human services or social services (county department) or a nonprofit organization contracted by that county department to provide the training.~~

*
3. Before an employee or volunteer of a day care center, of a day care provider, or of a day care program may provide care and supervision for children, ~~the employee or volunteer must receive training relating to shaken baby syndrome provided by DHFS, the certifying county department, or a nonprofit organization contracted by DHFS or county department to provide that training.~~

*
The training must be provided by no later than the continuation date of the license or the renewal date of the certification or contract, whichever is applicable, or by one year after the effective date of the bill, whichever is sooner, for an individual who: 1) on the day before the initial applicability date of the bill, already holds or has applied for a license to operate a day care center; 2) is already certified as a day care provider or has applied for that certification; 3) is already providing a day care

* program under a contract with a school board; ^{or} ~~and 4) on that day~~, is already an employee or volunteer of such a licensee, provider, or program.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0788/1dn

GMM.....

Date

Senator Lassa:

Please review this draft carefully to ensure that in all of its details it captures your intent. In reviewing the draft, please note all of the following:

1. In drafting s. 253.15 (2), as created by the draft, which describes the contents of the materials relating to shaken baby syndrome (SBS), and s. 253.15 (6), as create by the draft, which provides for immunity from liability, I relied on s. 441.233, Florida Statutes, which also requires the parents of newborn infants to be provided with information on SBS.
2. In drafting s. 253.15 (3), as created by the draft, which governs the provision of SBS information to the parents of newborn infants, I relied on s. 253.13 (1), stats., relating to testing for congenital disorders, for guidance as to exactly who must provide that information, both when the infant is born in the hospital and when the infant is born elsewhere.
3. In drafting s. 253.15 (7), as created by the draft, which creates the SBS registry, I relied on s. 253.12 (3) (a) and 255.04 (1), (3) (intro.), and (4), relating to birth defects and cancer reporting, respectively.
4. DHFS will need some lead time to prepare the SBS informational materials and to promulgate rules for day care provider training and for the SBS registry. Accordingly, the draft provides for a deadline for those activities of the first day of the 4th month beginning after publication and for initial applicability of the bill on that day.
5. Section 227.137 (2), as created by 2003 Wisconsin Act 118, permits the Secretary of Administration to require DWD to prepare an economic impact report for proposed rules to be promulgated by DWD. Because preparation of such a report will delay rulemaking and because it appears that any economic impact of requiring day care providers to receive SBS training will be nominal, this draft exempts those rules from the economic impact report requirement.

If you have any questions about this draft, please do not hesitate to contact me directly at the phone number or address listed below.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0788/1dn
GMM:kjf:ch

December 17, 2004

Senator Lassa:

Please review this draft carefully to ensure that in all of its details it captures your intent. In reviewing the draft, please note all of the following:

1. In drafting s. 253.15 (2), as created by the draft, which describes the contents of the materials relating to shaken baby syndrome (SBS), and s. 253.15 (6), as create by the draft, which provides for immunity from liability, I relied on s. 441.233, Florida Statutes, which also requires the parents of newborn infants to be provided with information on SBS.
2. In drafting s. 253.15 (3), as created by the draft, which governs the provision of SBS information to the parents of newborn infants, I relied on s. 253.13 (1), stats., relating to testing for congenital disorders, for guidance as to exactly who must provide that information, both when the infant is born in the hospital and when the infant is born elsewhere.
3. In drafting s. 253.15 (7), as created by the draft, which creates the SBS registry, I relied on s. 253.12 (3) (a) and 255.04 (1), (3) (intro.), and (4), relating to birth defects and cancer reporting, respectively.
4. DHFS will need some lead time to prepare the SBS informational materials and to promulgate rules for day care provider training and for the SBS registry. Accordingly, the draft provides for a deadline for those activities of the first day of the fourth month beginning after publication and for initial applicability of the bill on that day.
5. Section 227.137 (2), as created by 2003 Wisconsin Act 118, permits the secretary of administration to require DWD to prepare an economic impact report for proposed rules to be promulgated by DWD. Because preparation of such a report will delay rule making and because it appears that any economic impact of requiring day care providers to receive SBS training will be nominal, this draft exempts those rules from the economic impact report requirement.

If you have any questions about this draft, please do not hesitate to contact me directly at the phone number or address listed below.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.state.wi.us

Malaise, Gordon

From: Kelly, Jessica
Sent: Wednesday, January 19, 2005 10:05 AM
To: Malaise, Gordon
Subject: FW: LRB -0788/1 & d-note (attached)

Gordon,

Could you please change this draft so that DHFS employees in their "rounds" under the Child Abuse and Neglect Prevention Program 46.515, also distribute written material to households in the program?

Sorry for the delay on this...I just got back from a five week furlough.

As soon as you can make this change, the better. Thank you.

Jessica Ford Kelly
Office of Senator Julie Lassa
State Capitol, 3-South
P.O. Box 7882
Madison, WI 53707-7882
608-266-3123 (Madison)
1-800-925-7491 (Toll Free)
608-267-6797 (Facsimile)

-----Original Message-----

From: Basford, Sarah
Sent: Wednesday, January 19, 2005 9:39 AM
To: Sen.Lassa
Subject: LRB -0788/1 & d-note (attached)



05-0788/1



05-0788/1dn

Sarah Basford
Program Assistant
State of Wisconsin
Legislative Reference Bureau
PH: (608) 266-3561/FAX: (608) 264-6948
sarah.basford@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0788/1

GMM:kjf:ch

Friday

2005 BILL

Regen

Regen

1 AN ACT *to amend* 48.67, 49.155 (1d) (a), 121.02 (1) (L) 2. and 146.82 (1); and *to*
2 *create* 253.15 of the statutes; **relating to:** the provision of information
3 regarding shaken baby syndrome to the parents of newborn infants, training
4 regarding shaken baby syndrome for day care providers, and instruction
5 regarding shaken baby syndrome for middle school pupils; the creation of a
6 shaken baby syndrome registry; and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Health and Family Services (DHFS) is required to prepare printed informational materials relating to sudden infant death syndrome and to distribute those materials so as to maximize their availability to parents. DHFS is also required to promulgate rules requiring day care center licensees who are licensed to provide care and supervision for children under one year of age and the employees and volunteers of those licensees to receive training in sudden infant death syndrome before the license is issued or the employment or volunteer work commences. The Department of Workforce Development (DWD) is required to promulgate similar rules for day care providers who are certified to receive reimbursement under the Wisconsin Works (W-2) program and for the employees and volunteers of those providers.

This bill creates similar requirements relating to shaken baby syndrome, which is defined in the bill as a severe form of brain injury that occurs when an infant or

BILL

young child is shaken forcibly enough to cause the brain to rebound against his or her skull. Specifically, the bill requires DHFS to prepare or to contract with a nonprofit organization that is dedicated to the prevention of shaken baby syndrome and the support of families affected by shaken baby syndrome (nonprofit organization) to prepare printed and audiovisual materials relating to shaken baby syndrome that include: information regarding the identification and prevention of shaken baby syndrome; the grave effects of shaking an infant or young child; appropriate ways to manage crying, fussing, or other causes that can lead a person to shake an infant or young child; and a discussion of ways to reduce the risks that can lead a person to shake an infant or young child.

The bill requires a copy of those written materials, a presentation of those audiovisual materials, and an oral explanation of those written and audiovisual materials to be provided to the parents of a newborn infant, without cost to those parents, as follows:

1. In the case of an infant born at or on route to a hospital or maternity home, by the attending physician, attending nurse-midwife, or a trained, designated staff member of the hospital or maternity home before the infant is discharged from the hospital or maternity home.

2. In the case of an infant born elsewhere than at or on route to a hospital or maternity home, by the attending physician, attending nurse-midwife, or a trained, designated birth attendant within seven days after the birth of the infant.

The bill also requires that training in shaken baby syndrome be provided:

1. Before an individual may obtain a license to operate a day care center or enter into a contract with a school board to provide a day care program, by DHFS or a nonprofit organization contracted by DHFS to provide that training.

2. Before an individual may be certified as a day care provider under the W-2 program, by a county department of human services or social services (county department) or a nonprofit organization contracted by that county department to provide the training.

3. Before an employee or volunteer of a day care center, of a day care provider, or of a day care program may provide care and supervision for children, by DHFS, the certifying county department, or a nonprofit organization contracted by DHFS or county department to provide that training.

The training must be provided by no later than the continuation date of the license or the renewal date of the certification or contract, whichever is applicable, or by one year after the effective date of the bill, whichever is sooner, for an individual who on the day before the initial applicability date of the bill: 1) already holds or has applied for a license to operate a day care center; 2) is already certified as a day care provider or has applied for that certification; 3) is already providing a day care program under a contract with a school board; or 4) is already an employee or volunteer of such a licensee, provider, or program.

In addition, the bill requires each school board to provide or contract with a nonprofit organization to provide instruction relating to shaken baby syndrome for pupils in grades five to eight. The bill requires the person providing the instruction to provide to each pupil receiving the instruction a copy of the written materials

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prepared by DHFS or the nonprofit organization, a presentation of the audiovisual materials prepared by DHFS or the nonprofit organization, and an oral explanation of those written and audiovisual materials.

Finally, the bill requires DHFS to establish and maintain a statewide registry that documents the diagnosis in this state of any child who has shaken baby syndrome and requires any physician who diagnoses shaken baby syndrome in a child or who provides treatment to a child who has shaken baby syndrome to report information concerning the child to DHFS as prescribed by DHFS by rule, unless the physician knows that another physician has already reported that information with respect to the same child. Under the bill, the registry must include information that will facilitate identification of risk factors for shaken baby syndrome; investigation of the incidence, prevalence, and trends of shaken baby syndrome; and development of primary preventive strategies to decrease the occurrence of shaken baby syndrome.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 48.67 of the statutes is amended to read:

48.67 Rules governing child welfare agencies, day care centers, foster homes, treatment foster homes, group homes, shelter care facilities and county departments. The department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, day care centers, foster homes, treatment foster homes, group homes, shelter care facilities, and county departments. These rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees. The department shall consult with the department of commerce and the department of public instruction before promulgating these rules. In establishing the minimum requirements for the issuance of licenses to day care centers that provide care and supervision for children under one year of age, the department shall include a requirement that all licensees

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1 who are individuals and all employees and volunteers of a licensee who provide care
2 and supervision for children receive, before the date on which the license is issued
3 or the employment or volunteer work commences, whichever is applicable, the
4 training relating to shaken baby syndrome required under s. 253.15 (4) and, if the
5 licensee, employee, or volunteer provides care and supervision for children under one
6 year of age, training in the most current medically accepted methods of preventing
7 sudden infant death syndrome.

8 **SECTION 2.** 49.155 (1d) (a) of the statutes is amended to read:

9 49.155 (1d) (a) The department shall promulgate rules establishing standards
10 for the certification of child care providers under s. 48.651. In establishing the
11 requirements for certification under this paragraph of a child care provider who
12 ~~provides care and supervision for children under one year of age~~, the department
13 shall include a requirement that all providers and all employees and volunteers of
14 a provider who provide care and supervision for children receive, before the date on
15 which the provider is certified or the employment or volunteer work commences,
16 whichever is applicable, the training relating to shaken baby syndrome required
17 under s. 253.15 (4) and, if the provider, employee, or volunteer provides care and
18 supervision for children under one year of age, training in the most current medically
19 accepted methods of preventing sudden infant death syndrome. In establishing the
20 requirements for certification as a Level II certified family day care provider, the
21 department may not include any other requirement for training for providers.

22 **SECTION 3.** 121.02 (1) (L) 2. of the statutes is amended to read:

23 121.02 (1) (L) 2. In grades 5 to 8, provide regular instruction in language arts,
24 social studies, mathematics, science, health, physical education, art and music. The
25 school board shall also provide pupils with an introduction to career exploration and

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1 planning and with the instruction on shaken baby syndrome described in s. 253.15
2 (5).

3 **SECTION 4.** 146.82 (1) of the statutes is amended to read:

4 146.82 (1) CONFIDENTIALITY. All patient health care records shall remain
5 confidential. Patient health care records may be released only to the persons
6 designated in this section or to other persons with the informed consent of the patient
7 or of a person authorized by the patient. This subsection does not prohibit reports
8 made in compliance with s. 146.995, 253.12 (2), 253.15 (7)(b), or 979.01; testimony
9 authorized under s. 905.04 (4) (h); or releases made for purposes of health care
10 operations, as defined in 45 CFR 164.501, and as authorized under 45 CFR 164,
11 subpart E.

12 **SECTION 5.** 253.15 of the statutes is created to read:

13 **253.15 Shaken baby syndrome.** (1) DEFINITIONS. In this section:

14 (a) "County department" means a county department of human services or
15 social services under s. 46.215, 46.22, or 46.23.

16 (b) "Nonprofit organization" means an organization described in section 501 (c)
17 (3) of the Internal Revenue Code that is dedicated to the prevention of shaken baby
18 syndrome and the support of families affected by shaken baby syndrome.

19 (c) "Shaken baby syndrome" means a severe form of brain injury that occurs
20 when an infant or young child is shaken forcibly enough to cause the brain to rebound
21 against his or her skull.

22 (2) INFORMATIONAL MATERIALS. The department shall prepare or contract with
23 a nonprofit organization to prepare printed and audiovisual materials relating to
24 shaken baby syndrome. The materials shall include information regarding the
25 identification and prevention of shaken baby syndrome, the grave effects of shaking

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are providing home visitation
programs under s. 46.515
(4)(b)1.

on an infant or young child, appropriate ways to manage crying, fussing, or other causes that can lead a person to shake an infant or young child, and a discussion of ways to reduce the risks that can lead a person to shake an infant or young child.

The department shall distribute those written and audiovisual materials to all hospitals, maternity homes, and nurse-midwives licensed under s. 441.15 that are required to provide the materials to parents under sub. (3) (a), to all county departments and nonprofit organizations that are required to provide the materials to day care providers under sub. (4) (a), and to all school boards and nonprofit organizations that are required to provide the materials to pupils in grades 5 to 8 under sub. (5).

~~The department shall distribute those written materials to all county departments and school boards that are selected by the department to participate in the~~

(3) INFORMATION TO PARENTS. (a) Before an infant who is born at or on route to

a hospital or maternity home is discharged from the hospital or maternity home, the attending physician, the attending nurse midwife, or another trained, designated staff member of the hospital or maternity home shall provide to the parents of the infant, without cost to those parents, a copy of the written materials prepared under sub. (2), a presentation of the audiovisual materials prepared under sub. (2), and an oral explanation of those written and audiovisual materials. Within 7 days after the birth of an infant who is born elsewhere than at or on route to a hospital or maternity home, the attending physician, the attending nurse-midwife, or a trained, designated birth attendant who attended the birth of the child shall provide to the parents of the infant, without cost to those parents, a copy of the written materials prepared under sub. (2), a presentation of the audiovisual materials prepared under sub. (2), and an oral explanation of those written and audiovisual materials.

(b) The person who provides the materials and explanation under par. (a) shall require a parent who receives the materials and explanation to sign a statement, on

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1 a form prepared by the department, acknowledging that the parent has received and
2 understands the materials and explanation. The statement shall be signed in
3 duplicate, with the original copy to be retained by the parent and the duplicate copy
4 to be retained by the hospital, maternity home, or nurse-midwife. The materials and
5 explanation provided to a parent under this subsection shall be provided separately
6 from any other educational materials that are provided to the parent before
7 discharge of an infant from the hospital or maternity home or following the birth of
8 an infant born elsewhere than at or on route to a hospital or maternity home.

9 (4) TRAINING FOR DAY CARE PROVIDERS. (a) Before an individual may obtain a
10 license to operate a day care center under s. 48.65 or enter into a contract to provide
11 a day care program under s. 120.13 (14), the individual shall receive training relating
12 to shaken baby syndrome provided by the department or a nonprofit organization
13 contracted by the department to provide that training. Before an individual may be
14 certified as a day care provider under s. 48.651, the individual shall receive training
15 relating to shaken baby syndrome provided by the certifying county department or
16 a nonprofit organization contracted by that county department to provide that
17 training. Before an employee or volunteer of a day care center licensed under s.
18 48.65, a day care provider certified under s. 48.651, or a day care program established
19 under s. 120.13 (14) may provide care and supervision for children, the employee or
20 volunteer shall receive training relating to shaken baby syndrome provided by the
21 department, the certifying county department, or a nonprofit organization
22 contracted by the department or county department to provide that training.

23 (b) The person conducting the training under par. (a) shall provide to the
24 individual receiving the training, without cost to the individual, a copy of the written
25 materials prepared under sub. (2), a presentation of the audiovisual materials

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1 prepared under sub. (2), and an oral explanation of those written and audiovisual
2 materials and shall require the individual to sign a statement, on a form prepared
3 by the department, acknowledging that the individual has received and understands
4 the materials and explanation. The statement shall be signed in duplicate, with the
5 original copy to be retained by the signer of the statement and the duplicate copy to
6 be filed with the department, in the case of a day care center licensee under s. 48.65
7 or an employee or volunteer of the licensee, the certifying county department, in the
8 case of a day care provider certified under s. 48.651 or an employee or volunteer of
9 the provider, or the school board that established the day care program, in the case
10 of a person who provides a day care program under s. 120.13 (14) or an employee or
11 volunteer of the program.

12 (5) INSTRUCTION FOR PUPILS. Each school board shall provide or contract with
13 a nonprofit organization to provide instruction relating to shaken baby syndrome for
14 pupils in grades 5 to 8. The person providing the instruction shall provide to each
15 pupil receiving the instruction a copy of the written materials prepared under sub.
16 (2), a presentation of the audiovisual materials prepared under sub. (2), and an oral
17 explanation of those written and audiovisual materials.

18 ~~(6)~~ IMMUNITY FROM LIABILITY. (a) The department or a nonprofit organization
19 contracted with under sub. (2) is immune from liability for any damages resulting
20 from any good faith act or omission in preparing and distributing, or in failing to
21 prepare and distribute, the materials specified in sub. (2).

22 (b) A hospital, maternity home, physician, nurse-midwife, other staff member
23 of a hospital or maternity home, or other birth attendant attending the birth of an
24 infant is immune from liability for any damages resulting from any good faith act or

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1 omission in providing or failing to provide the written and audiovisual materials and
2 oral explanation specified in sub. (3) (a).

3 (c) The department, a county department, or a nonprofit agency contracted
4 with under sub. (4) (a) is immune from liability for any damages resulting from any
5 good faith act or omission in providing or failing to provide the training specified in
6 sub. (4) (a) or the written and audiovisual materials and oral explanation specified
7 in sub. (4) (b). A school board is immune from liability for any damages resulting
8 from any good faith act or omission in connection with the provision of or the failure
9 to provide, the training specified in sub. (4) (a) or the written and audiovisual
10 materials and oral explanation specified in sub. (4) (b).

11 (d) A school board is immune from liability for any damages resulting from any
12 good faith act or omission in providing or failing to provide the instruction and the
13 written and audiovisual materials and oral explanation specified in sub. (5).

14 ⁽²⁾
~~(7)~~ SHAKEN BABY SYNDROME REGISTRY. (a) The department shall do all of the
15 following:

16 1. Establish and maintain a statewide registry that documents the diagnosis
17 in this state of any child who has shaken baby syndrome. The department shall
18 include in the registry information that will facilitate identification of risk factors for
19 shaken baby syndrome; investigation of the incidence, prevalence, and trends of
20 shaken baby syndrome; and development of primary preventive strategies to
21 decrease the occurrence of shaken baby syndrome.

22 2. Specify by rule the content, format, and procedures for submitting a report
23 under par. (b).

24 3. Notify the persons specified under par. (b) 1. of their obligation to report
25 under that subdivision.

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1 (b) 1. In addition to reporting under s. 48.981 (2), any physician who diagnoses
2 shaken baby syndrome in a child or who provides treatment to a child who has
3 shaken baby syndrome shall report information concerning the child to the
4 department as prescribed by the department under par. (a) 2., unless the physician
5 knows that another physician has already reported to the department that
6 information with respect to the same child.

7 2. Any information reported to the department under subd. 1. that could
8 identify any individual who is the subject of the report or a physician submitting the
9 report shall be confidential and may not be disclosed by the department except to the
10 persons, for the purposes, and under the conditions specified in s. 48.981 (7).

11 3. The reporting of information under subd. 1. may not be construed as a
12 violation of any person's responsibility for maintaining the confidentiality of patient
13 health care records, as defined under s. 146.81 (4).

SECTION 6. Nonstatutory provisions.

14 (1) SHAKEN BABY SYNDROME; INFORMATIONAL MATERIALS; TRAINING; RULES.

15 (a) *Preparation and distribution of informational materials.* By the first day
16 of the 4th month beginning after the effective date of this subsection, the department
17 of health and family services or a nonprofit organization, as defined in section 253.15
18 (1) (b) of the statutes, as created by this act, contracted by that department shall
19 prepare the informational materials specified in section 253.15 (2) of the statutes, as
20 created by this act, and that department shall distribute those materials as required
21 under section 253.15 (2) of the statutes, as created by this act.

22 (b) *Training for day care providers.*

23 1. Notwithstanding section 253.15 (4) (a) of the statutes, as created by this act,
24 the department of health and family services or a nonprofit organization, as defined
25

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1 in section 253.15 (1) (b) of the statutes, as created by this act, contracted by that
2 department shall provide the training required under section 253.15 (4) (a) of the
3 statutes, as created by this act, to all individuals who on the day before the first day
4 of the 4th month beginning after the effective date of this subdivision, hold or have
5 applied for a license under section 48.65 of the statutes to operate a day care center
6 or are providing a day care program under a contract under section 120.13 (14) of the
7 statutes, and to all employees and volunteers of that day care center or day care
8 program who on that day are providing care and supervision for children, by no later
9 than the continuation date of the license or the renewal date of the contract,
10 whichever is applicable, or by one year after the effective date of this subdivision,
11 whichever is sooner.

12 2. Notwithstanding section 253.15 (4) (a) of the statutes, as created by this act,
13 a county department, as defined in section 253.15 (1) (a) of the statutes, as created
14 by this act, or a nonprofit organization, as defined in section 253.15 (1) (b) of the
15 statutes, as created by this act, contracted by that county department shall provide
16 the training required under section 253.15 (4) (a) of the statutes, as created by this
17 act, to all individuals who on the day before the first day of the 4th month beginning
18 after the effective date of this subdivision, are certified by that county department
19 as day care providers under section 48.651 of the statutes or have applied for that
20 certification, and to all employees and volunteers of that day care provider who on
21 that day are providing care and supervision for children, by no later than the renewal
22 date of the certification or by one year after the effective date of this subdivision,
23 whichever is sooner.

24 (c) *Rules.*